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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,062	09/30/2003	Michael P.C. Lau	P69177US0	1402
136 7590 07/02/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,062

Applicant(s)

LAU ET AL.

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/16/2006</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 3-6 are objected to because of the following informalities:

Claims 3-6, line 1: "a game apparatus" should be -- the game apparatus --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 6 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: Claim 1 recites the limitation "the media reader" in line 4 and "the media file reader" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Re claim 6: Claim 6 recites the limitation "an operational portion of signal" in lines 4-5, which renders the claim unclear as to if this refers to the same "operational portion" in line 2.

Appropriate clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barri (US 2005/0014563).

Re claim 1: Barri teaches a game or entertainment apparatus for use in conjunction with a digital video player (14) and display (18) comprising: a media containing apparatus containing a media file having programming instructions to control movement of the media reader through the media file upon receipt of instructions from a controller; and wherein said media file directs and programs the media file reader to alternative memory locations in the media file to display screen images to construct an interactive game and controls the responses of the media file reader to the signals from the controller (see fig.1; par. [0003]).

Although Barri does not explicitly teach the media reader, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include media reader since for a game apparatus that has media file, there has to be a media file reader so that the game can function, respond, and hence allow and obey input from the game player's controller, thereby making the game more interesting.

Re claim 2: Barri teaches a game apparatus for use with a media file reading and display apparatus operable by wireless signals through a wireless signal receiver including: at least two wireless signal transmitter units for producing wireless signals in response to user inputs (see pars. [0033] and [0036]); and means to resolve near simultaneous operation of said transmitter

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units so as to determine at least the first such unit operated and allow only operational code from the first such unit to be processed by the wireless signal receiver of the media file reading and display apparatus (see par. [0035], lines 8-16).

Although Barri does not explicitly teach the media reader, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include media reader since for a game apparatus that has media file, there has to be a media file reader so that the game can function, respond, and hence allow and obey input from the game player's controller, thereby making the game more interesting.

Re claims 3, 5, and 6: Barri teaches wherein the means to resolve are contained in each of the wireless transmitter units and receive signals from wireless signal receivers contained in each transmitter unit (see pars. [0033]); wherein the means to resolve to determine the first transmission and halt any further transmission by units other than that producing the first transmission; wherein each transmission comprises a comparison portion and an operational portion such that the comparison portion can be resolved by the means to resolve to determine the first unit transmitting and only that unit continues to transmit an operational portion of signal (see par. [0035], lines 8-16).

Re claim 4: Barri teaches wherein the wireless transmitter units comprise remote controls for a digital video machine (see par. [0036], lines 1-4). **It is apparent to Examiner that the transmitter comprises the remote control since the remote is the means for the player to transmit input to the game.**

Re claim 7: Barri teaches a method of providing interactive multiplayer game play or entertainment with remote controls (36a, 36b) comprising the steps of: utilizing an initial signal from said remote controls to determine the first control operated upon near simultaneous operation of said remote controls; and utilizing a subsequent signal transmission from only the remote control selected as the first transmitter to perform a subsequent operation in the game play or entertainment system (see fig.4; par. [0035], lines 8-16). **It is apparent to Examiner that according to the teaching of Barri that if the signal is detected to determine the first control operation from the controls, it would be used as well at subsequent operations.**

Re claim 8: Barri teaches a programmed digital video disc for use with interactive games on a DVD player including: a plurality of video files at specified locations; and wherein the file also contains instructions to alter the address location memorized in the DVD player such that the sequential determination of the subsequent address location that the DVD player moves to may be other than the subsequent physical address location on the disc (see par. [0003] and par. [0026]).

Although Barri does not teach video files at a specific location, it would have been obvious to one of ordinary skills in the art at the time the invention was made to have the files at a specific location so has to have a specific address to configure and command the file reader.

Re claim 9: Barri teaches an interactive game system for use with a DVD player including the following: a disc programmed containing a plurality of video files and address

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instructions to alter the address location the DVD player holds in memory so as to alter the next sequential address location to which the DVD player would normally address (see par. [0003] and par. [0026]); at least one remote control (16) having a plurality of outputs to further alter the address location to which the DVD player may subsequently play (see fig.1; par. [0024], lines 6-23).

Although Barri does not teach video files at a specific location, it would have been obvious to one of ordinary skills in the art at the time the invention was made to have the files at a specific location so has to have a specific address to configure and command the file reader.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carton et al discloses an interactive multimedia system and method; Hemstreet et al discloses media program with interact feature; Hamano discloses an electronic tennis game with interactive controls.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER